THE STATE OF ALABAMA—
JUDICIAL DEPARTMENT
THE SUPREME COURT OF ALABAMA

OCTOBER TERM, 1968-69

In the Matter of John Ike Griffith
(In re: John Ike Griffith

3 Div. 303

Board of Commissioners of Alabama State Bar)

Petition for Review

PER CURIAM.

The proceedings before us is a petition for review taken pursuant to Title 46, § 25, Code of Alabama 1940, as last amended, by John Ike Griffith from a resolution adopted by the Board of Commissioners of the Alabama State Bar disbarring petitioner.

The Grievance Committee of the Alabama State Bar Association filed four original charges against petitioner on July 10, 1964. Charges one through three relate to a violation of, or failure to comply with, Rule 25, Section A, of the Rules Governing the Conduct of all Persons admitted to the Practice of Law in the State of Alabama.

The substance of charges one and two is that petitioner submitted to the Inferior Court of Geneva County, Alabama, fifteen divorce cases, in which cases he served as referring or forwarding attorney for the complainant and wherein the bill of complaint represented to the court, that either the complainant or respondent was a bona fide resident of the State of Alabama; the truth being that petitioner knew or had reasonable cause to believe that neither complainant nor respondent was a bona fide resident of the State of Alabama.

Charge three of the original complaint avers a violation of Rule 25, Section A, in that petitioner while serving as referring or forwarding attorney for the complainant, obtained approximately forty-one divorces in the Law and Equity Court of Winston County (Haleyville Division), and petitioner knew or had reasonable cause to believe that in one or more of said cases, neither complainant nor the respondent was a bona fide resident of the State of Alabama as was represented to the Law and Equity Court of Winston County, Alabama, Haleyville Division.

Charge four avers that petitioner is guilty of conduct unbecoming an attorney at law, in violation of Rule 36, Section A. The substance of this charge is that in violating Rule 25, Section A, as alleged in charges one, two and three, petitioner is guilty of conduct unbecoming an attorney at law.

Subsequently, the Grievance Committee filed additional charges numbered seven, eight, nine, ten, eleven and twelve against petitioner.

Charge seven avers a violation of Rule 25, Section A, in that petitioner aided in the prosecution of a divorce suit in the Law and Equity Court of Winston County (Double Springs Division), Alabama, in which a divorce was granted by that court dissolving the marriage of Noreen Mecelli and James A. Mecelli upon bill of complaint, answer and waiver, wherein it was represented to that court that complainant was a bona fide resident of the State of Alabama, the truth being that neither the complainant nor the respondent was a bona fide resident of the State of Alabama, and petitioner knew or had reasonable cause to believe that neither was a resident of Alabama, as was represented to the court in the divorce proceeding.

The allegations of charge eight are to the effect that petitioner's conduct in representing to the Winston County Court of Law and Equity (Double Springs Division), that Noreen Mecelli and James A. Mecelli were bona fide residents of Alabama, when in fact they were not, was a violation of Rule 36, Section A which proscribes conduct unbecoming an attorney at Law.

Charge nine alleges that petitioner submitted approximately forty-one divorce cases to the Winston County Court of Law and Equity (Haleyville Division) in which cases petitioner served as the attorney for the complainant. The bill of complaint represented to the court that either complainant or respondent was a bona fide resident of Alabama when petitioner knew or had reasonable cause to believe that neither complainant nor respondent was a bona fide resident of Alabama.

Charge ten alleges that petitioner violated Rule 36, Section A, pertaining to conduct unbecoming an attorney at law in that he represented to the Winston County Court of Law and Equity (Haleyville Division) that certain complainants were residents of Alabama, when petitioner knew or had reasonable cause to believe that they were not bona fide residents of the State of Alabama.

We need not consider charge eleven in view of the fact that petitioner was found not guilty on that charge.

Charge twelve also alleges a violation of Rule 36, Section A, in that petitioner made representations to the circuit court of Marion County, Alabama concerning the residences of certain of his clients, which representations were false.

An additional charge, thirteen, was filed on May 29, 1966 but was dismissed on motion of counsel for the Bar Association based on the authority of *Spevack v. Klein*, 385 U.S. 511, 87 S. Ct. 625, 17 L. Ed. 2d 574.

On March 30, 1967 a new complaint containing three new charges was filed.

Charge one of the new complaint charges that petitioner submitted to the circuit court of St. Clair County, Alabama, a divorce case (Leon J. Dasher v. Janette M. Southall Dasher, Case No. 237-A) in which the bill of complaint and deposition of complainant represented to the court that the complainant was a bona fide resident of the State of Alabama, when the petitioner knew or had reasonable cause to believe that neither complainant nor the respondent was a bona fide resident of the State of Alabama, in violation of Rule 25, Section A.

Charge two of the new complaint also charges that in the case described in charge one petitioner violated Rule 25, Section A.

Charge three of the new complaint charges that by the acts described in charge one petitioner is guilty of conduct unbecoming an attorney, in violation of Rule 36, Section A.

Petitioner filed a plea in abatement to the proceedings, which plea was found to be without merit and was overruled by the Board.

It also found petitioner's motions to quash to be without merit and they were overruled. Request for a jury trial was denied, and at a special meeting of the Board of Commissioners of the Alabama State Bar on July 19, 1967 the Board considered the evidence presented by the Grievance Committee and that presented by petitioner John Ike Griffith.

The Board found petitioner guilty of charges 1, 2, 3, 4, 7, 8, 9, 10 and 12 of the original complaint and charges 1, 2, and 3 of the new complaint. Having so found, the Board adopted a resolution disbarring Mr. Griffith.

The gist of the various charges in this proceeding is that petitioner violated certain of the rules governing the conduct of attorneys in Alabama, in that he has made various false representations to courts in this State pertaining to the residency of certain of his clients in so-called "quickie divorce" cases. These rules provide as follows:

Rule 25, Section A, as amended:

"25. No person heretofore or hereafter admitted to practice law in Alabama shall:

"(a) Knowingly or wilfully make any false representations of fact to any judge, court, or jury to induce a favorable action or ruling by either;

"(b) File or prosecute or aid in the filing or prosecution of any suit, cross bill, or proceeding seeking a divorce in a Court in Alabama as attorney or solicitor for a complainant or cross complainant therein or serve as referring or forwarding attorney for such complainant or cross complainant with knowledge or reasonable

cause to believe that neither party to such suit, cross bill, or proceeding is at the time of the filing of the bill of complaint or cross bill of complaint therein, a bona fide resident of the State of Alabama;

"(c) While acting as attorney for either party in any suit for divorce in any Court in Alabama represent to any Court or conspire with any party, attorney, or person to represent to the Court that either party to such suit is a bona fide resident of Alabama, knowing such representation to be false." Rule 36, Section A, as amended:

"36. No person licensed to practice law in the courts of the State of Alabama shall be guilty of any conduct unbecoming an attorney at law."

Assignment of Error I

The first ground upon which petitioner urges a reversal of his disbarment is that the Board of Commissioners is an illegally constituted body, in that it is elected in violation of the "one man-one vote" principle, and its resolution disbarring petitioner is therefore void. Petitioner insists that this proposition was properly raised in the proceedings below by his plea in abatement and motion to quash, and that failure to respond to those pleadings has resulted in a denial of due process.

We recently stated in *In Re McKay,* 280 Ala. 174, 191 So, 2d 1:

"The question for determination in disbarment or disciplinary cases is the fundamental one of whether an attorney who is charged with professional dereliction should be permitted to continue in his office. Basically, the proceeding is an inquiry into the conduct of an attorney to determine whether action should be taken by a court to protect the public or the dignity of the court. * * *

"An attorney must be accorded due process in disbarment and disciplinary proceedings, and the requirements of due process are met when the attorney is

served with charges or specifications reasonably informing him of the charges against him and the attorney is thereafter accorded a hearing with an opportunity to defend. * * *

"The above requirements of due process being met, formal and technical pleadings are not essential, nor do they have any place in a disbarment proceeding. In Re Fite, 228 Ala. 4, 152 So. 246; McCord v. State, 220 Ala. 466, 126 So. 873; Ex parte Thompson, 228 Ala. 113, 152 So. 229, 107 A.L.R. 671; Ex parte Grace, 244 Ala. 267, 13 So. 178."

In order to satisfy the requirements of our due process, our initial inquiry is to determine if the requisite notice of the charges against him was given to petitioner and if he was accorded a hearing during which he could defend against those charges.

We have examined the record and are satisfied that petitioner was properly notified of the charges and proceedings against him. The proceedings below commenced February 9, 1965 and have continued to the present, interspersed with numerous hearings and continuances. It would serve no useful purpose to relate the exact time or substance of each. We are further satisfied that there was no error in not responding to petitioner's pleading before the Commissioner, and in overruling the plea in abatement and motion to quash by the Bar Commissioners.

This is so in view of our holding in *In Re McKay*, supra, that there is no need for "formal and technical" pleadings in disbarment proceedings.

The contention of petitioner urging that the Board of Commissioners of the Alabama State Bar is illegally and unconstitutionally constituted (malapportioned) in violation of the Equal Protection Clause of the Fourteenth Amendment, United States Constitution ("one man-one vote") has been decided adversely to petitioner in *In Re Sullivan*, 3 Div. 277 [MS], Ala. Sup., decided January 30, 1969.

For the above stated reasons, petitioner's first ground urging reversal is without merit.

Petitioner's next contention is that the Board is established in violation of the doctrine of separation of powers in that he should have been afforded a judicial tribunal separate and apart from the prosecuting authority.

Our decision in *Ex parte Thompson,* 228 Ala. 113, 152 So. 229, is controlling on this point. There we found express constitutional authority for conferring judicial functions upon the Board in Section 139 of the Alabama Constitution of 1901. It was stated in *Thompson,* supra, that:

> "We fail to see in the creation of the board of commissioners of the state bar with the powers conferred, any transgression of constitutional bounds by the Legislature * * *.
> * * *"

Consequently, we find no merit in petitioner's contention with respect to separation of powers. See, also, *Sullivan,* supra.

Assignment of Error II

Petitioner strongly insists that he was entitled to a trial by jury. The question of whether an attorney is entitled to trial by jury in disbarment proceedings has been voluminously researched and argued in jurisdictions throughout the country. This court examined and discussed the question in detail in *Thompson,* supra, where it was held:

> "* * * [T]hat the courts have the inherent power to suspend or to remove attorneys without trial by jury. * * *"

That proposition has been consistently followed in this jurisdiction and in other jurisdictions. Alhough petitioner urges us to reverse *Thompson,* supra, we reaffirm our adherence to the principle that courts have inherent power to suspend or remove attorneys without trial by jury in order to protect the dignity of the court, and maintain the respect of the public for our legal system. We, therefore, find no error in the refusal to grant petitioner a trial by jury.

Assignment of Error III

The next ground upon which petitioner alleges error has been before this court previously in *Ex. parte Griffith,* 278 Ala. 344, 178 So. 2d 169, cert. den. Griffith v. Board of Commissioners of Alabama Bar, 86 S. Ct. 548, 382 U.S. 988, 15 L. Ed. 2d 475, it being his contention that proceedings before the Commissioners and Grievance Committee are void in that the members had not taken the oath of office required by Article 16, Section 279, Constitution of Alabama, 1901. This question was also raised in *Ex parte Huie,* 278 Ala. 330, 178 So. 2d 156. In both *Griffith* and *Huie,* supra, we found the oath required by Section 279, supra, applies only to state officers. We stated in *Huie,* supra, as follows:

> "* * * We do not think that either the examining commissioner or the Board of Commissioners are state officers in the constitutional sense, and, therefore, are of opinion that Section 279 has no application. These commissioners are officers of the State Bar, which is an association of attorneys. The members of the association are not state officers.
>
> "The attorney does not hold an office or public trust in the constitutional or statutory sense of that term, but is an officer of the court exercising a privilege or franchise. In a sense he is an officer of the state with an obligation to the public no less significant than his obligation to his clients. It is an office held during good behavior, and is one of which he can be divested only upon good cause shown and after proper judicial proceedings. * * *"
> * * *

We hold there is no error here.

Assignment of Error IV

Petitioner next urges a reversal in that "illegal and improper evidence was admitted and must be presumed considered." Rule 18, Section B, of the "Amended Rules Governing the Conduct of Attorneys in Alabama," provides:

"In the taking of testimony by the Grievance Committee of the Board or by a Commissioner, as herein provided, or by the Board, it shall not be required or necessary that objection be made to any evidence which may be offered by either party, but the Board shall consider only such evidence as is, in its opinion, relevant, material, or competent and it shall not consider any testimony which, in its opinion, is irrelevant, immaterial or incompetent."

The rule is established that where there is no specific ruling on competency of evidence, as in the case before us, this court will presume that the Board considered only competent evidence, and that irrelevant, incompetent or immaterial evidence was disregarded. On this review we so limit ourselves.

We, therefore, find this proposition urging reversal to be without merit.

Assignment of Error V

The final ground upon which petitioner seeks a reversal is that there is insufficient evidence to support a resolution of disbarment.

We have carefully read the record in this case and are of the opinion that there is sufficient legal evidence, and reasonable inferences therefrom, to sustain the charges upon which petitioner was found guilty; and, to support his disbarment. We do not feel compelled to set out all the evidence in this case, as it would serve no useful purpose.

Nevertheless, a brief recapitulation of a portion of the evidence in one divorce case, embraced in charge three, may be in order as illustrative of the evidence before the Board. Harold Schocket testified by deposition (1), that he was a resident of New Jersey; that he had obtained a divorce from his wife, Mrs. Eleanor Schocket, in the State of Alabama, sometime in 1962. His wife sued him in 1965 in a New

(1) See, *In re Sullivan*, supra, for a discussion of the method of taking depositions in disbarment proceedings.

Jersey court to set aside the Alabama divorce; and the Alabama divorce decree was held null and void by the Superior Court of New Jersey, Chancery Division, Essex County. With reference to obtaining the Alabama divorce, petitioner Griffith made the hotel reservation for him at the Hotel Tutwiler in Birmingham, Alabama; he signed an affidavit which stated he intended to be a resident of the State of Alabama on the advice of petitioner, who had informed him that he need only be in the State for twenty-four hours; he never went to court. He asked petitioner if he could make a one o'clock plane the next afternoon, but petitioner said, "Take the afternoon plane out. It's better that way." He informed petitioner he was returning to New Jersey "right after everything was taken care of;" he made his return trip by plane at 5:00 p.m. (less than twenty-four hours after he arrived in Alabama). The record is replete with evidence of a similar nature which we conclude is sufficient to support the resolution of disbarment.

Having carefully studied and considered the well prepared briefs of counsel, and the evidence, we are of the opinion that the resolution of disbarment must be affirmed.

AFFIRMED.

All the Justices concur.

I, J. O. Sentell, Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appears of record in said Court.

Witness my hand this 6th day of Feb., 1969.

J. O. SENTELL

Clerk Supreme Court of Alabama

II

THE SUPREME COURT OF ALABAMA

THURSDAY, FEBRUARY 6,1969

THE COURT MET PURSUANT TO ADJOURNMENT

PRESENT: CHIEF JUSTICE LIVINGSTON AND ASSOCIATE JUSTICES LAWSON, SIMPSON, MERRILL, COLEMAN, HARWOOD AND BLOODWORTH

3rd Div. 303

In the Matter of: John Ike Griffith

PETITION FOR REVIEW

(Re: John Ike Griffith v. Board of Commissioners of Alabama State Bar)

Come the parties by attorneys, and the Petition for Review being argued and submitted and duly examined and understood by the Court,

IT IS CONSIDERED, ORDERED AND ADJUDGED that the resolution, order and judgment of the Board of Commissioners of the Alabama State Bar, finding John Ike Griffith guilty of the charges preferred against him and disbarring the said John Ike Griffith from the practice of law, be and the same is hereby affirmed in all things; said order of disbarment to begin when the final judgment in this cause shall have been entered in this Court.

IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED that the costs incident to these proceedings be and the same are hereby taxed against the petitioner, John Ike Griffith, for which costs let execution issue accordingly.

Per Curiam Opinion

All the Justices concur.

III

STATE OF ALABAMA JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA

THIRD DIVISION NO. 303

OCTOBER TERM, 1968-1969

IN THE MATTER OF JOHN IKE GRIFFITH

In re: JOHN IKE GRIFFITH

vs.

(BOARD OF COMMISSIONERS
ALABAMA STATE BAR)

APPLICATION FOR REHEARING
MOTION TO STAY EXECUTION

Comes, JOHN IKE GRIFFITH, appellant in the above cause, and moves this Honorable Court to grant him a rehearing, and to reverse, revise and hold for naught its judgment rendered on, to-wit: February 6, 1969, and to enter its order reversing and/or revising said judgment.

Appellant further moves the Court, in accordance with Rule 34, Revised Rules of the Supreme Court of Alabama, 1 February, 1955, that the execution of the judgment be stayed or suspended during the pendency of this application for rehearing.

Submitted herewith is brief and argument in support of application.

ELLIOTT, WRIGHT & TAYLOR

Attorneys for Appellant-Petitioner

IV

THE SUPREME COURT OF ALABAMA

THURSDAY, MARCH 6, 1969

THE COURT MET PURSUANT TO ADJOURNMENT

PRESENT: CHIEF JUSTICE LIVINGSTON AND ASSOCIATE JUSTICES LAWSON, SIMPSON, MERRILL, COLEMAN, HARWOOD AND BLOODWORTH

3rd Div. 303

In the Matter of: John Ike Griffith

(Re: John Ike Griffith v. Board of Commissioners of the Alabama State Bar)

PETITION FOR REVIEW

IT IS ORDERED that the application for rehearing filed on February 21, 1969, be and the same is hereby overruled.

APPENDIX B

B1

Constitution, Statutes and Rules Involved

I

Constitution of the United States, Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witness against him; to have compulsory process for obtaining Witnesses in his favor, and to have the Assistance of Counsel for his defence.

II

Constitution of the United States, Amendment XIV, Section I.

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

III

Title 28, Section 1257 (3), United States Code.

(3) By writ of certiorari, where the validity of a treaty or statute of the United States is drawn in question or where the validity of a State statute is drawn in question on the ground of its being repugnant to the Constitution, treaties or laws of the United States, or where any title, right, privilege or immunity is specially set up or claimed under the Constitution, treaties or statutes of, or commission held or authority exercised under, the United States.

IV

Title 34, Section 27, Code of Alabama, 1940

For abandonment, twelve months' residence to be proved.

No bill can be filed for a divorce on the ground of voluntary abandonment, unless the party applying therefor, whether husband or wife, has been a bona fide resident citizen of this state for twelve months next preceding the filing of the bill which must be alleged in the bill and proved; provided however, the provisions of this section shall not be of force and effect when the court has jurisdiction of both parties to the cause of action.

V

Title 34, Section 29, Code of Alabama, 1940

If defendant a nonresident, a year's residence by plaintiff must be proved.

When the defendant is a nonresident, the other party to the marriage must have been a bona fide resident of this state for one year next before the filing of the bill which must be alleged in the bill and proved; provided however, the provisions of this section shall not be of force and effect when the court has jurisdiction of both parties to the cause of action.

VI

Title 46, Section 25, Code of Alabama, 1940

The board of commissioners shall have power: (a) To determine, by rules, the qualifications and requirements for admission to the practice of law: (b) to conduct through a board of examiners, hereinafter provided for, the examination of applicants; and such board of examiners shall certify to the supreme court the names of the applicants found to be qualified; such certifications shall entitle such persons to be enrolled in the bar of the state and to practice law, provided the fees hereafter required are paid; (c) subject to the approval of the supreme court, to formulate rules governing the conduct of all persons admitted to practice, and

to investigate, or cause to be investigated, and to pass upon, all complaints that may be made concerning the professional conduct of any person who has been, or may hereafter be, admitted to the practice of the law; (d) subject to the approval of the supreme court, to formulate rules governing the re-instatement of members of the bar who have been disbarred, and to pass upon all petitions for reinstatement; (e) to appoint one or more committees from the membership of the board, or from the membership of the entire bar, or partly from one and partly from the other, to take evidence in connection with any complaint filed against any attorney and forward the same to the board. In all cases, testimony with reference to such charges shall be taken at the courthouse of the county of the residence of the party charged, provided the evidence of witnesses residing outside of such county may be taken in the same manner as provided by law for the taking of depositions in civil cases. The state solicitor of the circuit in which such accused attorney resides shall prosecute any such charge or case, interrogate the witnesses, introduce the evidence in support of such charges, and, when requested by any member of the board, argue the cause before the board. The board shall administer such discipline, by public or private reprimand, suspension from the practice of law, or exclusion and disbarment therefrom, as the case shall, in their judgment warrant. A majority of the board shall constitute a quorum and the majority of those present (if a quorum be present) shall be empowered to act as and for the entire board. The supreme court may, and on petition of the party aggrieved must, in any case of suspension or disbarment from practice, review the action of the board, and may, on its own motion and without the certification of any record, inquire into the merits of the case and take any action agreeable to their judgment. Rules regulating the manner of such review and providing for the certification of the evidence, or if the supreme court desire, the taking of additional evidence, shall be promulgated by said board and become effective upon approval by the supreme court. (f) To make such rules and by-laws not in conflict with any of the terms of this chapter concerning the selection and tenure of its officers and committees and their powers and duties, and generally for the

control and regulation of the business of the board and of the state bar. (g) To hold and conduct educational and social meetings and activities among the members of the bar, to publish journals and generally to do such things as in their judgment may tend to improve the educational and ethical standing of brench and bar. (h) Should any vacancies occur on said board, to fill such vacancies by appointment of a member of the state bar from the judicial circuit in which said vacancy exists and such appointee shall hold for the time of the unexpired term or pending the election of his successor. (i) To establish circuit or branch associations of the state bar and if circuit associations are established, the member of the board from said circuit shall be ex officio the president of such circuit association. Said circuit or branch association shall have no authority to suspend or disbar attorneys and in all matters shall be subordinate to the authority of the board. If any member of said board is a party to the preferment of charges for disbarment or suspension of any lawyer, or there exists as against any member of such board any cause provided by law for the disqualifications of judges or jurors in civil or criminal cases, such member shall be disqualified from sitting as a member of said board in the hearing of such charges. Said board shall have no authority, nor shall it in any way undertake, to regulate the fees or charges of lawyers for the rendition of their professional services.

VII

ALABAMA CONSTITUTION 1901

ARTICLE 1, SECTION 11

That the right of trial by jury shall remain inviolate.

VIII

ALABAMA CONSTITUTION 1901.

ARTICLE 1, SECTION 6

That in all criminal prosecutions, the accused has a right to be heard by himself and counsel, or either; to demand the nature and cause of the accusation; and to have a copy

thereof; to be confronted by th witnesses against him; to have compulsory process for obta ng witnesses in his favor; to testify in all cases, in his own behalf, if he elects so to do; and, in all prosecutions by indictment, a speedy, public trial, by an impartial jury of the county or district in which the offense was committed; and he shall not be compelled to give evidence against himself, nor be deprived of life, liberty, or property, except by due process of law; but the legislature may, by a general law, provide for a change of venue at the instance of the defendant in all prosecutions by indictment, and such change of venue, on application of the defendant, may be heard and determined without the personal presence of the defendant so applying therefor; provided, that at the time of the application for the change of venue, the defendant is imprisoned in jail or some legal place of confinement.

IX

ALABAMA CONSTITUTION 1901

ARTICLE 6, SECTION 139

The judicial power of the state shall be vested in the senate sitting as a court of impeachment, a supreme court, circuit courts, chancery courts, courts of probate, such courts of law and equity inferior to the supreme court, and to consist of not more than five members, as the legislature from time to time may establish, and such persons as may be by law invested with powers of a judicial nature; but no court of general jurisdiction, at law or in equity, or both, shall hereafter be established in and for any one county having a population of less than twenty thousand, according to the next preceding federal census, and property assessed for taxation at a less valuation than three million five hundred thousand dollars.

X

ALABAMA CONSTITUTION 1901

ARTICLE 3, SECTION 42

DISTRIBUTION OF POWERS OF GOVERNMENT

The powers of the government of the State of Alabama shall be divided into three distinct departments, each of which shall be confided to a separate body of magistracy, to wit: Those which are legislative, to one; those which are executive, to another; and those which are judicial, to another.

XI

ALABAMA CONSTITUTION 1901

ARTICLE 3, SECTION 43

In the government of this state, except in the instances in this Constitution hereinafter expressly directed or permitted the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them; to the end that it may be a government of laws and not of men.

XII

RULE 25, SECTION A, as last amended.

Board of Commissioners of Alabama State Bar

25. No person heretofore or hereafter admitted to practice law in Alabama shall

(a) knowingly or willfully make any false representations of fact to any judge, court, or jury to induce a favorable action or ruling by either;

(b) File or prosecute or aid in the filing or prosecution of any suit, cross bill, or proceeding seeking a divorce in a Court in Alabama as attorney or solicitor for a complainant or cross complainant therein

or serve as referring or forwarding attorney for such complainant or cross complainant with knowledge or reasonable cause to believe that neither party to such suit, cross bill, or proceeding is at the time of the filing of the bill of complaint or cross bill of complaint therein, a bona fide resident of the State of Alabama;

(c) While acting as attorney for either party in any suit for divorce in any Court in Alabama represent to the Court or conspire with any party, attorney, or person to represent to the Court that either party to such suit is a bona fide resident of Alabama, knowing such representation to be false.

XIII

RULE 36, SECTION A, as last amended.

Board of Commissioners of Alabama State Bar

36. No person licensed to practice law in the courts of the State of Alabama shall be guilty of any conduct unbecoming an attorney at law.